

REMARKS

Applicant appreciates the Office's thorough consideration and efforts in connection with the present application. Claims 1-14 are pending, with claims 1 and 12 being independent. Claims 1-14 have been indicated as being allowable in the Quayle Action mailed on April 23, 2008.

Statement of the Substance of the Interview

Applicant appreciates the courtesies extended to Applicant's representative, Matthew T. Shanley, during the telephone inquiry of June 25, 2008, by Supervisory Patent Examiner (SPE) John E. Barlow, Jr. During the telephonic inquiry, the application was not discussed on the merits.

Specifically, SPE Barlow indicated that Examiner Taylor, previously assigned to the present application, had recently left the Office. Applicant's representative informed SPE Barlow that Applicant would submit an information disclosure statement concurrently herewith containing additional references for consideration by the Office. As the prosecution on the merits had been closed by the Quayle Action mailed on April 28, 2008, the enclosed response and the accompanying information disclosure statement are being filed as a Request for Continued Examination (RCE). Applicant's representative indicated that he would submit an interview request concurrently with the enclosed response to request a personal or telephonic interview with the new Examiner of record, when assigned by SPE Barlow.

In the Quayle Action dated April 28, 2008, the Office also indicated that the information disclosure statement filed on October 26, 2005 was improper. The Office indicated that copies of each of three textbooks previously described by the information disclosure statement filed on October 26, 2005 should be submitted. Applicant's representative discussed with SPE Barlow Applicant's proposal to submit a revised information disclosure statement (PTO-1449) listing the relevant page numbers of each reference, the table of contents of each reference, and copies of the same. Applicant's representative informed SPE Barlow that Applicant will submit

any additional portions of the three textbooks, up to and including the entirety of each of the three textbooks, in response to any subsequent request by SPE Barlow or any subsequently assigned examiner of record for the present application. Upon entry and consideration of this response, the examiner of record is respectfully requested to contact the undersigned to arrange an interview at a date and time convenient for the examiner of record to expedite the prosecution of the present application.

Information Disclosure Statement

In the Quayle Action dated April 28, 2008, the Office also indicated that the information disclosure statement filed on October 26, 2005 was improper. Specifically, the Office indicated that copies of each of three textbooks previously described by the information disclosure statement filed on October 26, 2005 should be submitted, i.e., 1.) Baines, P. G. (1995) *Topographic Effects in Stratified Flows*, New York: Cambridge University Press; 2.) Chaudry, M. H. (1993) *Open-Channel Flow*. Englewood Cliffs, NJ: Prentice-Hall; and 3.) Patankar (1980) *Numerical Heat Transfer and Fluid Flow*, McGraw-Hill, Hemisphere Publishing Corp..

During a telephone inquiry with SPE Barlow, Applicant's representative agreed to submit a revised information disclosure statement (PTO-1449) listing the relevant page numbers of each reference, the table of contents and index of each reference, and copies of the relevant pages of each reference. The examiner of record is invited to contact the undersigned via telephone if any additional materials, including any additional portions up to and including the entirety of each of the textbooks described above, should be submitted by Applicant.

With respect to the first reference, Baines, P. G. (1995) *Topographic Effects in Stratified Flows*, New York: Cambridge University Press, any relevance of this reference to the present application is generally described at paragraph 0048-0051 of the specification of the present application. Applicant has identified section 2.3.2 (Flow Solutions with Topography), e.g., equation 2.3.26 found on pages 38-44, as relevant to the aforementioned paragraphs of the present application.

With respect to the second reference, Chaudry, M. H. (1993) Open-Channel Flow. Englewood Cliffs, NJ, Prentice-Hall, any relevance of this reference to the present application is generally described at paragraph 0019 of the present application. Applicant has identified the section on Sediment Transport in Chaudry, e.g., found at pages 453-475, as relevant to the aforementioned paragraph of the present application.

With respect to the third reference, Patankar (1980) Numerical Heat Transfer and Fluid Flow, McGraw-Hill, Hemisphere Publishing Corp, any relevance of this reference to the present application is generally described at paragraph 0045 of the specification of the present application. Applicant has identified pp. 29-39 and 68-74 as relevant to the aforementioned paragraph of the present application.

The above-cited portions of the foregoing references have been submitted concurrently herewith with the accompanying information disclosure statement. The examiner of record is encouraged to contact the undersigned with any questions or concerns pertaining to the information disclosure statement. The table of contents of each of the aforementioned references is also provided to assist the examiner of record in determining if remaining portions of the above-described references should be submitted by Applicant.

Request for Personal Interview

Applicant respectfully requests a personal interview to discuss the foregoing information disclosure statement and the requested amendment to the abstract of the disclosure. Accordingly, the new examiner of record, when assigned, is requested to contact the undersigned via telephone upon receipt of the enclosed response to suggest any preferred dates and/or times for an interview. A formal interview request is being submitted concurrently herewith.

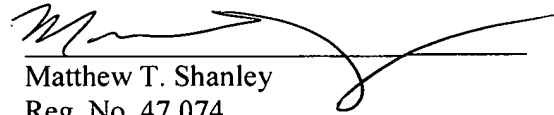
CONCLUSION

Applicant respectfully requests that the Examiner telephone Matthew T. Shanley, Applicant's Attorney at 713.431.7725 so that such issues may be resolved as expeditiously as possible. For these reasons, this application should now be considered to be in condition for allowance and such action is earnestly solicited.

If necessary, the Commissioner is hereby authorized in this, concurrent, and future replies, to charge payment or credit any overpayment to Deposit Account No. 05-1328 for any additional fees required under 37 C.F.R. §§ 1.16 or 1.17; particularly, extension of time fees.

Respectfully submitted,

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